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cont'd

application means for applying said sheet over said mosaic tesserae, said application means including cutting means to cut to size a segment of said sheet corresponding to the mosaic tesserae and suction drum rotating means to retain at least temporarily, on an outer cylindrical surface thereof, said segment of sheet and to release said segment onto said mosaic tesserae, said suction drum rotating means retaining said segment of sheet by a suction force and releasing said segment of sheet onto the mosaic tesserae by temporarily ceasing the suction force.

REMARKS

Restriction Requirement

In the Office Action, the Examiner maintained the restriction requirement of November 15, 2002. The Examiner asserted that "the apparatus as claimed can be used to practice another materially process such as a process in which a protective sheet material is fed and applied to a metal substrate." However, claim 1, as amended, is directed to a device for producing panels of mosaic tesserae having at least a supporting and/or lining sheet. Therefore, the apparatus cannot be used to practice another and materially different process. Applicants respectfully request reconsideration of the restriction requirement by the Examiner.

Also, claims 24 and 25 depend from claim 1. The Examiner improperly withdrew the claims from consideration. Applicants request that claims 24 and 25 be examined.

35 U.S.C. § 102(b) Rejection

In the Office Action, the Examiner rejected claims 1-3, 5, and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,899,385 to *Brinkmeier*. This rejection is respectfully traversed for the following reasons.

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Claim 1, as amended, recites a device for producing panels of mosaic tesserae having at least a supporting and/or lining sheet. The device includes, among other elements, feeding means having a reel member configured to store and continuously dispense the supporting and/or lining sheet, and application means for applying the sheet over the mosaic tesserae. The application means include cutting means to cut to size a segment of the sheet corresponding to the mosaic tesserae and suction drum rotating means to retain at least temporarily the segment of sheet and to release the segment onto the mosaic tesserae. The suction drum rotating means retain the segment of sheet by a suction force and release the segment onto the mosaic tesserae by temporarily ceasing the suction force. This device is not taught or suggested by the cited reference.

Brinkmeier discloses an apparatus for applying labels on articles. As shown in the figure, the apparatus has a vacuum drum 1 for continuously feeding a label web, a cross-cutter 3, 4, and a continuously rotating applying roller 5 for sticking the labels. In rejecting claim 1, the Examiner has considered the vacuum drum 1 and the applying roller 5 as the feeding means and the applying means recited in claim 1, respectively. Applicants respectfully disagree with the Examiner.

While *Brinkmeier* discloses a labeling apparatus, the device recited in claim 1 of this application is directed to a device for producing panels of mosaic tesserae having at least a supporting and/or lining sheet. The device of claim 1 includes feeding means having a reel member configured to store and continuously dispense the sheet, and application means for applying the sheet over the mosaic tesserae. *Brinkmeier* does not relate to a device or apparatus for producing panels of mosaic tesserae, and the

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reference fails to teach or suggest a device including feeding means having a reel member configured to store and continuously dispense the sheet, and application means for applying the sheet over the mosaic tesserae, as required by claim 1.

Problems associated with production of panels of mosaic tesserae are quite different from those associated with labeling bags. As described at page 2 of the patent application, misalignment, local detachment, and unevenness of tesserae are problems often encountered in this art. The labeling apparatus of *Brinkmeier* does not address these problems associated with tesserae.

Furthermore, *Brinkmeier* fails to teach or suggest a device including a suction drum rotating means retaining a segment of sheet by a suction force and releasing the segment of sheet onto the mosaic tesserae by temporarily ceasing the suction force. The applying roller 5 of *Brinkmeier* has rows of vacuum bores 22 and 23. The web ZB is sucked by the vacuum bores 22 and 23 as soon as the bores reach the web. The bores hold tautly the end of the label web. See col. 5, line 46 - col. 6, line 9. In fact, the Examiner stated at page 4 of the Office Action that *Brinkmeier* "is silent as to means for interrupting the suction to release the sheet."

For the foregoing reasons, the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn and claim 1 should be allowed.

Claims 2, 3, 5, and 10 depend from claim 1, and those claims should also be allowed at least by reason of their dependency from claim 1.

35 U.S.C. § 103(a) Rejection

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Brinkmeier* in view of *Ahr* (U.S. Patent No. 5,837,087); claims 6

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and 7 as being unpatentable over *Brinkmeier* in view of *Ernst et al.* (U.S. Patent No. 3,868,292); claim 8 as being unpatentable over *Brinkmeier* in view of *Heuser et al.* (U.S. Patent No. 3,698,296), *Talalay* (U.S. Patent No. 4,504,336), and *du Fresne* (U.S. Patent No. 2,931,751); claim 9 as being unpatentable over *Brinkmeier* in view of *Lindstrom et al.* (U.S. Patent No. 4,321,103); claim 11 as being unpatentable over *Brinkmeier* in view of *Jue* (U.S. Patent No. 4,432,830); and claims 12-14 as being unpatentable over *Brinkmeier* in view of *Miyajima et al.* (U.S. Patent No. 6,321,813), *Farfaglia et al.* (U.S. Patent No. 3,847,540), and *Sbrana* (U.S. Patent No. 5,972,151). These rejections under 35 U.S.C. § 103 are respectfully traversed because none of the secondary references cures the deficiency of *Brinkmeier*.

Ahr discloses an apparatus having compression rolls 77. *Ernst et al.* discloses a labeling apparatus having a vacuum control valve that interrupts communication of a vacuum source to release a label. *Heuser et al.* discloses a tape having an adhesive layer 127. *Talalay* discloses a tab applying apparatus having an adhesive activator. *Du Fresne* discloses a method of treating ceramic tiles involving sprays 21. *Lindstrom et al.* discloses a label application mechanism having a label-applying roller that can be lifted or lowered. *Jue* discloses a label printer having a take-up reel 12. *Miyajima et al.* discloses an apparatus having a hot air nozzle 53 for heating containers. *Farfaglia et al.* discloses a heating system for a carton-forming machine with heaters 56, 57, 58. Finally, *Sbrana* discloses an apparatus for applying a cover sheet to a mold surface having an infrared heater IR.

However, the cited references do not cure the deficiency of *Brinkmeier*. In particular, the secondary references, as is the case for *Brinkmeier*, fail to teach or

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suggest a device including a suction drum rotating means releasing a segment of sheet onto a mosaic tesserae by temporarily ceasing a suction force.

Furthermore, one skilled in the art would not have been motivated to combine the cited references, as done so by the Examiner because they are directed to different fields of art. For example, while *Brinkmeier* is directed to an apparatus for applying labels, *Ahr* relates to a process of making sanitary napkins. These two references are directed to completely different art, and one skilled in the art would not have been motivated to combine them.

Therefore, the rejection of claims 4, 6-9, and 11-14 under 35 U.S.C. § 103(a) should be withdrawn, and these claims should be allowed.

Claims 26 and 27 depend from claim 1. For the reasons stated above, none of the cited references teaches or suggests the subject matter recited in claims 26 and 27.

Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 27, 2003

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Application Number: 09/924,972
Filing Date: August 9, 2001
Attorney Docket Number: 7881.0011-00

APPENDIX TO AMENDMENT OF MAY 27, 2003

Amendments to the Claims

1. (Thrice Amended) A device for producing panels of mosaic tesserae [, used to apply] having at least a supporting and/or lining sheet on a visible face of said tesserae arranged inside an advancing frame, said device comprising:

feeding means having a reel member configured to store and continuously dispense said supporting and/or lining sheet; and

application means for applying said sheet [cooperating with the feeding means of said frame] over said mosaic tesserae, said application means including cutting means to cut to size a segment of said sheet corresponding to the mosaic tesserae and suction drum rotating means to retain at least temporarily, on [their] an outer cylindrical surface thereof, said segment of sheet and to release said segment onto said mosaic tesserae, said suction drum rotating means retaining said segment of sheet by a suction force and releasing said segment of sheet onto the mosaic tesserae by temporarily ceasing the suction force.

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